

CLOSED

U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Eastern Division)
CRIMINAL DOCKET FOR CASE #: 4:16-mj-01119-KS-1

Case title: USA v. Liverman

Date Filed: 09/07/2016

Other court case number: 1:16-MJ-406 Eastern District of
Virginia

Date Terminated: 09/08/2016

Assigned to: Magistrate Judge Kimberly
A. Swank

Defendant (1)

Justin Gray Liverman

TERMINATED: 09/08/2016

also known as

D3F4ULT

TERMINATED: 09/08/2016

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

Rule 5 charges – Eastern District of
Virginia

Plaintiff

USA

| Date Filed | # | Page | Docket Text |
|------------|---|------|--|
| 09/07/2016 | | 3 | Case sealed as to Justin Gray Liverman (Foell, S.) (Entered: 09/07/2016) |

| | | | |
|------------|----------|----|--|
| 09/07/2016 | <u>1</u> | 4 | Rule 5 Charging Documents from the Eastern District of Virginia as to Justin Gray Liverman. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Order to Seal) (Foell, S.) (Entered: 09/07/2016) |
| 09/08/2016 | | 45 | Arrest (Rule 5) of Justin Gray Liverman. (Foell, S.) (Entered: 09/08/2016) |
| 09/08/2016 | | 44 | Case unsealed upon arrest as to Justin Gray Liverman (Foell, S.) (Entered: 09/08/2016) |
| 09/08/2016 | <u>2</u> | 46 | Minute Entry for proceedings held before Magistrate Judge Kimberly A. Swank:Initial Appearance in Rule 5 Proceedings as to Justin Gray Liverman held on 9/8/2016. Defendant present with counsel – Assistant US Attorney present for government. Defendant advised of rights, charges and penalties. Probable Cause and Identity Hearing waived by the defendant. Oral Order Finding Probable Cause. Detention not requested. Court releases defendant under a \$250,000.00 unsecured bond and conditions of release (no pretrial supervision). Defendant ordered to report for Initial Appearance in the Eastern District of Virginia – Alexandria on 9/13/16, at 9:00. (Court Reporter – FTR Gold) (Foell, S.) (Entered: 09/08/2016) |
| 09/08/2016 | <u>3</u> | 47 | CJA 23 Financial Affidavit by Justin Gray Liverman (Foell, S.) (Entered: 09/08/2016) |
| 09/08/2016 | <u>4</u> | 48 | Waiver of Rule 5(c)(3) Hearings by Justin Gray Liverman. Defendant waives Probable Cause and Identity Hearing. (Foell, S.) (Entered: 09/08/2016) |
| 09/08/2016 | | 49 | Oral Order Finding Probable Cause as to Justin Gray Liverman. Ordered in open court by Magistrate Judge Kimberly A. Swank on 9/8/2016. (Foell, S.) (Entered: 09/08/2016) |
| 09/08/2016 | <u>5</u> | 50 | Unsecured Bond Entered as to Justin Gray Liverman in the amount of \$250,000.00. (Foell, S.) (Entered: 09/08/2016) |
| 09/08/2016 | <u>6</u> | 52 | ORDER Setting Conditions of Release as to Justin Gray Liverman (no supervision imposed). Signed by Magistrate Judge Kimberly A. Swank on 9/8/2016. (Foell, S.) (Entered: 09/08/2016) |

- MINUTES -
INITIAL APPEARANCE RULE 5 PROCEEDINGS

Date: 9/8/16

Court Convenes: 1:00 pm

Location: Greenville - Annex

Proceedings Recorded: FTR Gold (M:\GRA\2016\Sept)

Hearing Time: 2:35 - 3:25 pm

COURT OFFICERS

Presiding Judge: Kimberly Swank

Deputy Clerk: Shelia Foell

USPO: Marian Wilson

USA vs. Justin Liverman
CASE #: 4:16-MJ-1119
(1:16-MJ-406 - ED/Va)

Asst. US Attorney: John Bennett
Defense Counsel: Myron Hill

CASE SEALED ORIGINALLY; UNSEALED UPON ARREST

- **Defendant advised of rights, charges, penalties & right to counsel**
- **CJA23 Financial Affidavit executed by defendant**
- **Myron Hill retained for purposes of this hearing**
- **Detention not requested**
- **Defendant waives probable cause and identity hearing**
- **Oral Order finding Probable Cause**
- **Defendant released under a \$250,000 unsecured bond and conditions. (No pretrial supervision imposed)**

Court adjourned: 3:25 pm

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

FILED IN OPEN COURT
 ON 9-8-16
 Julie Richards Johnston, Clerk
 US District Court
 Eastern District of NC

SDF

United States of America

v.

JUSTIN LIVERMAN

Defendant

Case No. 4:16-MJ-1119

Charging District's Case No. 1:16-MJ-406

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (*name of other court*) Eastern District of Virginia

I have been informed of the charges and of my rights to:

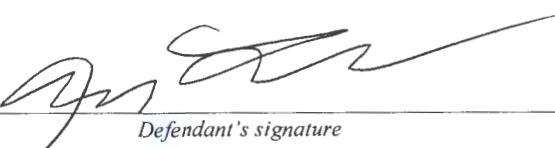
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- an identity hearing and production of the warrant.
- a preliminary hearing.
- a detention hearing.
- an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 09/08/2016


Defendant's signature

Signature of defendant's attorney
JAMES MARTIN, ACPD
Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

)

v.

)

JUSTIN GRAY LIVERMAN

)

Case No. 4:16-MJ-1119

Defendant

)

FILED IN OPEN COURT
 ON 08/16
 Julie Richards Johnston, Clerk
 US District Court
 Eastern District of NC
 SDF

APPEARANCE BOND

Defendant's Agreement

I, JUSTIN GRAY LIVERMAN (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- () to appear for court proceedings;
 () if convicted, to surrender to serve a sentence that the court may impose; or
 () to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- () (1) This is a personal recognizance bond.
 () (2) This is an unsecured bond of \$ 250,000.00.
 () (3) This is a secured bond of \$ _____, secured by:
 () (a) \$ _____, in cash deposited with the court.
 () (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

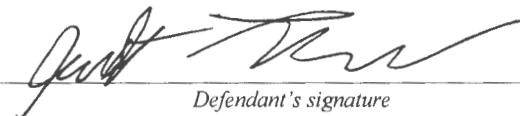
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 09/08/2016



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

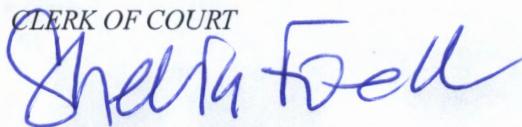
Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

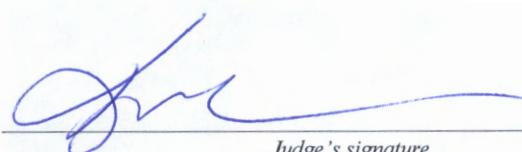
Date: 09/08/2016

CLERK OF COURT


Signature of Clerk or Deputy Clerk

Approved.

Date: 09/08/2016



Judge's signature

KIMBERLY A. SWANK, US MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
 for the
 Eastern District of North Carolina

*FILED IN OPEN COURT
 ON 9-8-16
 Julie Richards Johnston, Clerk
 US District Court
 Eastern District of NC*

SOP

United States of America
 v.
 JUSTIN LIVERMAN
 Defendant

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 Case No. 4:16-MJ-1119

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the probation office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: EASTERN DISTRICT OF VIRGINIA - ALEXANDRIA OFFICE
Place

on 9/13/2016 9:00 am

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____
 Address (only if above is an organization) _____
 City and state _____ Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____
Custodian _____ Date _____

- () (7) The defendant must:

- () (a) submit to supervision by and report for supervision to the telephone number _____, no later than _____.
- () (b) continue or actively seek employment.
- () (c) continue or start an education program.
- () (d) surrender any passport to: _____
- () (e) not obtain a passport or other international travel document.
- () (f) abide by the following restrictions on personal association, residence, or travel: _____
- (X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: Andrew Otto Boggs
- () (h) get medical or psychiatric treatment: _____
- () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
- () (j) maintain residence at a residential reentry center, and abide by the conditions of that facility.
- () (k) not possess a firearm, destructive device, or other weapon.
- () (l) not use alcohol () at all () excessively.
- () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- () (n) submit to testing for a prohibited substance if required by the probation office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the probation office or supervising officer.
- () (p) participate in one of the following location restriction programs and comply with its requirements as directed:
 - () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as approved by the probation office or supervising officer; or
 - () (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the probation office or supervising officer; or
 - () (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- () (q) submit to the following monitoring and comply with all of the program requirements and instructions provided:
 - () The defendant must pay () all of the cost of the program () a portion of the location monitoring cost as follows:

- () Radio Frequency (RF) monitoring () Voice Recognition
- () Global Positioning Satellite (GPS) () Remote Alcohol Monitoring
- () (r) report as soon as possible, to the probation office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- () (s) submit to warrantless searches of person, residence, property or vehicle by the probation office or supervising officer.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

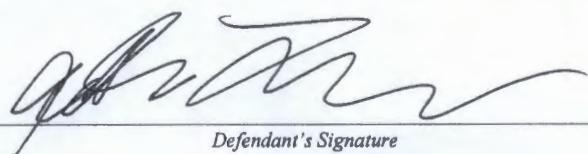
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



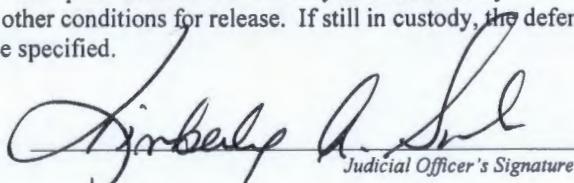
Defendant's Signature

GREENVILLE, NC

City and State

Directions to the United States Marshal

- The defendant is ORDERED released after processing.
- The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 9/8/2016


Judicial Officer's Signature

Kimberly A. Swank, U.S. Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PROBATION OFFICE U.S. ATTORNEY U.S. MARSHAL